Supreme Court, U.S.
FILED
FEB 9 1987
JOSEPH F. SPANIOL, JR.
CLERK

Nos. 86-939 and 86-941

In The

Supreme Court of the United States

October Term, 1986

ENERGY TRANSPORTATION SYSTEMS, INC.,
Petitioner,

v.

STATE OF MISSOURI, *et al.*,
Respondents.

DONALD P. HODEL, SECRETARY OF THE INTERIOR, *et al.*,
Petitioners,

v.

STATE OF MISSOURI, *et al.*,
Respondents.

BRIEF FOR RESPONDENTS, THE STATES OF MISSOURI, IOWA AND NEBRASKA, IN OPPOSITION TO PETITIONS FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

STATE OF MISSOURI

WILLIAM L. WEBSTER
Attorney General

CURTIS F. THOMPSON*
Assistant Attorney General
P.O. Box 899
Jefferson City, MO 65102
Tel. (314) 751-3321

STATE OF IOWA

THOMAS J. MILLER
Attorney General

ELIZABETH M. OSENBAUGH*
Deputy Attorney General

ELIZA OVROM
Assistant Attorney General
Hoover State Office Bldg.
Des Moines, IA 50319
Tel. (515) 281-5351

STATE OF NEBRASKA

ROBERT M. SPIRE
Attorney General

LE ROY W. SIEVERS*
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
Tel. (402) 471-2682

* Counsel of Record

COCKLE LAW BRIEF PRINTING CO. (800) 225-6964
or call collect (402) 342-2831

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

QUESTION PRESENTED

1. Whether the Flood Control Act of 1944, which explicitly authorizes only the Secretary of the Army to execute contracts for the industrial use of water from Army reservoirs on the main stem of the Missouri River, implicitly grants authority to the Secretary of the Interior to enter into a contract for such water use.

PARTIES TO THE PROCEEDING

The following parties were plaintiffs in two consolidated actions in the District Court and appellees in the Eighth Circuit: the States of Missouri, Iowa and Nebraska. The Kansas City Southern Railway Company, The Sierra Club, and the Nebraska, Iowa and Rocky Mountain Chapters of the Farmers Educational and Cooperative Union of America.

The parties who were defendants in the District Court are listed in the petitions. Counsel for petitioner Energy Transportation Systems, Inc., a defendant below, advised the Clerk of this Court on January 27, 1987, that that corporation has been dissolved. That letter requests that ETSI Pipeline Project, which was not a party below, be substituted as petitioner.

TABLE OF CONTENTS

	Page
Question Presented	i
Parties to the Proceeding	ii
Table of Contents	iii
Table of Authorities	v
Opinions Below	1
Statutes Involved	2
Statement of the Case	2
Summary of Argument	5
Reasons for Denying the Petitions	6
1. The ETSI Contract Is the Only Existing Contract Based on the Secretary of the Interior's Assertion of Independent Authority, and the ETSI Project Has Been Cancelled	6
2. The Decision Below Concerns Only Industrial Use of Water in Army Reservoirs on the Missouri River. It Does Not Affect Irrigation Use and Has Only Limited Effect on the Department of the Interior	7
3. The Ruling Does Not Prevent Use of These Waters Under Army Control	7
4. The Department of the Interior's Disagreement With the Wisdom of the 1944 Act Should be Presented to Congress Rather Than to This Court	8
5. The Ruling Below Properly Applies Established Principles of Deference to the Facts of This Case	9
A. Interior's Claim of Authority Is Based Entirely on A Poorly Reasoned Legal Memorandum Which Is Directly Contrary to the Opinion of Army's Chief Attorney	9
B. There Is No Long-Standing Interpretation to Which the Courts Should Defer	10

TABLE OF CONTENTS—Continued

Page

C. Petitioners Rely on Legislative History Which Reflects A Proposal Which Was Not Enacted 11

D. The Decision Below Does Not Conflict With Precedents of This Court 12

6. This Case Does Not Present a Conflict Over State Water Rights 13

Conclusion 15

TABLE OF AUTHORITIES

Page

CASES

Board of Governors of the Federal Reserve System v. Dimension Financial Corp., 106 S.Ct. 681 (1986) 12

Bowen v. American Hospital Association, 106 S.Ct. 2101 (1986) 12

Commodity Futures Trading Comm'n v. Schor, 106 S.Ct. 3245 (1986) 12

Fusari v. Steinberg, 419 U.S. 379 (1975) 8

Montana v. Blackfeet Tribe of Indians, 471 U.S. 759 (1985) 12

United States v. Dion, 106 S.Ct. 2216 (1986) 12

STATUTES

Flood Control Act of 1944, ch. 665, 58 Stat. 887, *et seq.* ..... *passim*

Section 6, 33 U.S.C § 708 ..... *passim*

Section 8, 43 U.S.C. § 390 ..... 11, 13

Section 9 ..... 2, 3

Section 9(c) 3, 4, 6, 9

Reclamation Reform Act of 1982, 43 U.S.C. § 390*ll* 9

Water Supply Act of 1958, 43 U.S.C. § 390b(b) 8

28 U.S.C. § 1254(1) 6

42 U.S.C. § 7152(a)(1)(E) 10

CONGRESSIONAL MATERIALS:

Flood Control: Hearings on H.R. 4485 Before a Subcommittee of the Committee on Commerce, 78th Cong., 2d Sess. 312 (1944) 11

Nos. 86-939 and 86-941

In The

Supreme Court of the United States

October Term, 1986

ENERGY TRANSPORTATION SYSTEMS, INC.,
Petitioner,

v.

STATE OF MISSOURI, *et al.*,
Respondents.

DONALD P. HODEL, SECRETARY OF THE INTERIOR, *et al.*,
Petitioners,

v.

STATE OF MISSOURI, *et al.*,
Respondents.

BRIEF FOR RESPONDENTS, THE STATES OF MISSOURI, IOWA AND NEBRASKA, IN OPPOSITION TO PETITIONS FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Eighth Circuit (Pet. App. 1a-44a) is reported at 787 F.2d 270. The opinion of the Chief Judge of the United States District Court for the District of Nebraska, the Honorable Warren K. Urbom (Pet. App. 45a-72a), is reported at 586 F.Supp. 1268.

STATUTES INVOLVED

Section 6 of the Flood Control Act of 1944, ch. 665, 58 Stat. 890, codified as 33 U.S.C. § 708, provides as follows:

> The Secretary of War is authorized to make contracts with States, municipalities, private concerns, or individuals, at such prices and on such terms as he may deem reasonable for domestic and industrial uses for surplus water that may be available at any reservoir under the control of the War Department: *Provided*, That no contracts for such water shall adversely affect then existing lawful uses of such water. All moneys received from such contracts shall be deposited in the Treasury of the United States as miscellaneous receipts.

Section 9 of the Flood Control Act of 1944, ch. 665, 58 Stat. 891, is printed in petitioners' briefs.

Sections 1 through 9 of the Flood Control Act of 1944 are also printed as Pet. App. 76a-84a.

STATEMENT

The Department of the Interior executed a water service contract with ETSI Pipeline Project (ETSI) in July 1982, purporting to authorize withdrawal of water from Lake Oahe, a Missouri River reservoir. Oahe was built and is operated by the U.S. Army Corps of Engineers. ETSI planned to use the water to transport pulverized coal to the southern United States. In May 1984, the District Court for the District of Nebraska held that the

Secretary of the Interior lacked statutory authority to execute the ETSI contract. The Court of Appeals for the Eighth Circuit affirmed the District Court.

ETSI has indefinitely postponed construction of the pipeline based on considerations unrelated to this litigation.

The authority to market water for industrial use at Army reservoirs is expressly delegated to the Secretary of the Army in section 6 of the Flood Control Act of 1944. That section states in key part:

> That the Secretary of War [now Army] is authorized to make contracts . . . at such prices and on such terms as he may deem reasonable, for domestic and industrial uses for surplus water that may be available at any reservoir under the control of the War Department: *Provided*, That no contracts for such water shall adversely affect then existing lawful uses of such water. . . .

Despite this clear language, the Department of the Interior claimed that its industrial marketing authority under reclamation law applied to Army reservoirs on the Missouri River by incorporation through section 9(c) of the Act. Section 9(c) provides that ". . . the reclamation and power developments to be undertaken by the Secretary of the Interior under [the plans approved in section 9(a)] shall be governed by the Federal Reclamation Laws. . . ." The Court of Appeals and the District Court held that Army, rather than Interior, had industrial water marketing authority at Army reservoirs under the 1944 Flood Control Act.

Lake Oahe is clearly not a reclamation development undertaken by the Secretary of the Interior. Oahe is one

of six Missouri River main-stem reservoirs constructed, operated, and maintained by the Army Corps of Engineers. Because the dominant function of these reservoirs are flood control and navigation. Congress placed them under Army's jurisdiction. (Pet. App. 21a, 47a-48a). Interior's Bureau of Reclamation was granted authority over the many tributary dams built primarily for irrigation use.

In 1975, during the "energy crisis," Interior and Army signed a memorandum of understanding (MOU) to market Missouri River water for energy use. (Pet. App. 10a-11a) (Court of Appeals Joint Appendix 181, hereafter Ct. App. J.A.). The MOU permitted Interior to execute contracts but required Army approval of each one. (Army's Acting General Counsel had concluded that Interior could not independently market the water. (Pet. App. 11a, 34a)). Army refused to extend the MOU in 1978, citing reservations concerning its legality. (Ct. App. J.A. 189).

Army did not approve the ETSI contract. The Department of the Interior executed it solely on the purported authority of section 9(c) of the Flood Control Act of 1944. (Pet. App. 15a-17a).

ETSI's petition couches the issues according to versions of the facts with which we disagree. Although this brief does not attempt to rebut all such characterizations, we believe it would be improvident to grant certiorari based upon the factual contentions in that petition.

———o———

SUMMARY OF ARGUMENT

The decision of the Court of Appeals is clearly correct. Petitioners simply disagree with its resolution of a narrow question—whether the Flood Control Act of 1944, which explicitly authorizes only the Secretary of the Army to execute contracts for the industrial use of water from Army reservoirs on the Missouri River, implicitly grants authority to the Secretary of the Interior to enter into a contract for such water use.

No need exists for this Court to settle that question. Only one contract has been executed under this claimed authority. Performance of that contract was suspended after ETSI announced in 1984 that it had terminated its coal slurry pipeline project.

The ruling below does not affect the Secretary of the Interior's authority over irrigation use. It also does not affect the Secretary of the Army's authority to provide for industrial or other use of water in the reservoirs.

The courts below properly refused to defer to Interior's assertion of authority. That assertion wholly relied on a poorly reasoned Interior Solicitor's memorandum. That opinion is contrary to the opinion of Army's chief attorney and the contemporaneous interpretation of the Secretary of the Interior in 1944.

The Court of Appeals properly rejected South Dakota's argument that the issue of Army versus Interior authority affects that State's right to allocate water. South Dakota's proposal to consolidate an original action with certiorari review in this case is inappropriate and untimely.

REASONS FOR DENYING THE PETITION

1. The ETSI Contract Is the Only Existing Contract Based on the Secretary of the Interior's Assertion of Independent Authority, and the ETSI Project Has Been Cancelled.

The ETSI contract is the only existing contract based solely on the purported authority of the Department of the Interior under section 9(c) of the 1944 Act.[1] (Pet. App. 11a). It is therefore the only contract which could be affected by the decision below. Review of that decision is not likely to have any practical effect on the ETSI contract because ETSI announced on July 31, 1984, that it had terminated its coal slurry pipeline project.[2] (Hodel pet., p. 10, n.11). ETSI no longer has a state water permit. (Mootness Ex. 10). Performance of the ETSI water service contract had already been suspended for other reasons prior to the Court of Appeals decision. (Mootness Ex. 10).

---

[1]The two industrial water service contracts executed under the 1975 Memorandum of Understanding (MOU) (Ct. App. J.A. 191, 192) also rely on Army's authority. (See Pet. App. 10a-11a). The decision below will not affect those contracts. A "master contract" with the State of Montana was also executed under the MOU. That agreement, which established a procedure for approving contracts within that State, expired in 1986. No contracts with users were executed under it.

[2]Counsel for Petitioner Energy Transportation Systems, Inc., in a letter to the Clerk dated January 27, 1987, states that the corporation, which was a party below, has been dissolved and requests that ETSI Pipeline Project be substituted for it. Normally only a party can file a petition for certiorari. 28 U.S.C. § 1254(1). As Energy Transportation Systems, Inc. no longer exists, this is another reason to deny the petition.

2. The Decision Below Concerns Only Industrial Use of Water in Army Reservoirs on the Missouri River. It Does Not Affect Irrigation Use and Has Only Limited Effect on the Department of the Interior.

No need exists for this Court to review the comprehensive decision below. The Court of Appeals did not preclude the proper federal agency from marketing Oahe water for industrial use. It decided only that the Secretary of the *Interior* could not do so from this Army reservoir.

The decision is limited to Interior's claim of authority over industrial use of waters at the six Army reservoirs on the Missouri River. It does not affect Interior's authority to use that water for irrigation purposes nor does it affect Interior authority over the many reservoirs under its control in the Missouri River Basin or elsewhere.[3]

3. The Ruling Does Not Prevent Use of These Waters Under Army Control.

The decision below will not cause irrigation water to sit idle. There is no "unutilized" irrigation storage at Oahe. Water there is in multiple-use storage, where it is used for other authorized purposes including navigation and hydropower generation. (Pet. App. 22a-23a, n.15). Army has always managed this multiple-use storage, and the Solicitor General concedes that this case does not raise any question concerning Army authority to manage these waters. (Hodel pet., p. 12, n.13).

---

[3]The decision below does not prevent the recovery of federal costs. Army's enabling acts provide for repayment by industrial users. Waters stored at Oahe are currently used for hydropower generation, which also provides revenues.

Further, the Secretary of the Army has industrial marketing authority under both section 6 of the 1944 Act and the Water Supply Act of 1958, 43 U.S.C. § 390b(b). Indeed, after the District Court decision, South Dakota, on ETSI's behalf, sought a Corps contract under the Water Supply Act.[4] (Mootness Ex. C). That application was pending when ETSI announced termination of this project. (Mootness Ex. D). Additionally the Corps is currently considering broadening its definition of "surplus water" under section 6 of the 1944 Act to make more water available for industrial marketing.[5]

4. The Department of the Interior's Disagreement With the Wisdom of the 1944 Act Should be Presented to Congress Rather Than to This Court.

In reality the Department of the Interior and the *amici curiae* do not like section 6 of the 1944 Flood Control Act, which allows Army to control industrial marketing at Army reservoirs and contains protections for exist-

---

[4]The Water Supply Act permits marketing which does not substantially modify project purposes or operations. Corps regulations would authorize 50,000 acre-feet of water from Oahe for industrial use. (J.A. 351). ETSI's contract is within this amount.

[5]The States of Missouri, Iowa and Nebraska were informed of this proposed redefinition by the chief planner for the Corps of Engineers, Missouri River Division, on November 13, 1986. The proposal would define "surplus water" as all flood waters stored in the reservoir. We were subsequently advised that this proposal is under consideration at Corps headquarters in Washington. The States of Iowa and Missouri have filed critical comments. The States have a duty to bring to this Court's attention recent developments which could affect the outcome of the case. *Fusari v. Steinberg*, 419 U.S. 379, 387, n.12 (1975).

ing uses. Interior has been on notice since 1974 of serious questions concerning its authority to market water for industrial use from these Army reservoirs. It has had, and still has, ample time to obtain Congressional amendment. The Court of Appeals properly interpreted the relevant statutes. If the 1944 Act causes "incongruous consequences," Congress can correct them. The fact that Interior and the *amici* are not happy with the provisions of the 1944 Flood Control Act does not provide a basis to reverse the Court of Appeals decision. It would be poor public policy to thwart Congressional intent by the strained interpretation Interior and the *amici* seek to impose on the 1944 Flood Control Act.[6]

5. The Ruling Below Properly Applies Established Principles of Deference to the Facts of This Case.

A. Interior's Claim of Authority Is Based Entirely on A Poorly Reasoned Legal Memorandum Which Is Directly Contrary to the Opinion of Army's Chief Attorney.

The Department of the Interior's position was based solely on an Interior Solicitor's memorandum. (Pet. App. 69a). That 1974 opinion did not analyze the text of section 9(c). The opinion did not mention the express authority granted Army in section 6 nor Congress' rejection of proposals which would have broadened Interior authority at

---

[6]ETSI and *amici* state a preference for reclamation law and for control by the Secretary of the Interior. This preference is, however, contrary to the decision that Army would build and control the main stem dams. (Pet. App. 47a). That Congress does not necessarily share this preference for reclamation law is also shown by section 212(a) of the Reclamation Reform Act of 1982, 43 U.C.S. § 390*ll*, under which reclamation law does not apply to even irrigation use of Army reservoirs such as Oahe in the absence of Interior irrigation works. (Pet. App. 30a, n.21).

Army reservoirs. This poorly reasoned memorandum, written thirty years after passage of the Act, is not entitled to deference. (Pet. App. 34a, n.25, 68a-69a).

Moreover the Army Acting Chief Counsel in 1974 concluded that Interior did not have independent authority to market water for industrial use from these Army reservoirs. (Pet. App. 10a-11a, 34a, n.25, 69a; Ct. App. J.A. 176). Here one enabling act governs two agencies, whose counsel reached opposite conclusions. Deference cannot be given to both. (Pet. App. 69a).

B. There Is No Long-Standing Interpretation to Which the Courts Should Defer.

The Department of the Interior has not assisted in the construction, operation, or maintenance of Oahe. (Pet. App. 20a, 55a-56a). It exercises no functions there.[7] It has never adopted regulations to govern "irrigation storage" at Oahe (Pet. App. 61a), and indeed there is no defined irrigation storage there. (Pet. App. 20a, 63a-64a). The department has repeatedly acknowledged that Lake Oahe is controlled by Army. (Pet. App. 20a-21a, 55a). It has not acted as if it had the plenary jurisdiction over "irrigation storage" it now claims.

Interior's current position is also inconsistent with the contemporaneous interpretation of Interior Secretary

---

[7]Interior's authority to market power generated by Army was transferred to the Department of Energy in 1977. 42 U.S.C. § 7152(a)(1)(E). The Bureau's primary function is irrigation, yet it has executed no irrigation contracts at Oahe and has discontinued construction of the only authorized irrigation work there. (Pet. App. 56a).

Harold Ickes, who "did not believe that this department had the authority which the appellants today assert."[8] (Pet. App. 29a).

C. Petitioners Rely on Legislative History Which Reflects A Proposal Which Was Not Enacted.

The 1944 Congress gave Army jurisdiction over Lake Oahe and over industrial use of its waters. It also rejected proposals to give Interior authority similar to that it now claims. (Pet. App. 26a-29a). Congress' rejection of these measures establishes that Congress did not intend to grant Interior this authority. (Pet. App. 29a).

The Solicitor General's argument cites legislative history suggesting that Interior has authority to adopt regulations for irrigation storage at Army reservoirs. (Hodel pet., p. 14-15). Subsequent to the cited statements, Congress rejected similar language in the bill and adopted the much more limited language of current section 8. (Pet. App. 26a-27a, 60a-62a). Another obvious problem with Interior's argument is that it has never defined, let alone regulated, irrigation storage at Oahe. (Pet. App. 20a, 63a-64a). The Court of Appeals fully considered, and prop-

---

[8]Congress rejected Secretary Ickes' proposed amendment to have reclamation law govern industrial marketing at Army reservoirs utilized for irrigation purposes under section 8. (Pet. App. 29a). In proposing that amendment, the Secretary recognized that section 6 "does not involve reclamation but covers merely the sale of water for domestic and industrial uses . . ." Flood Control: Hearings on H.R. 4485 Before a Subcommittee of the Committee on Commerce, 78th Cong., 2d Sess. 312 (1944) (statement of the Hon. Harold L. Ickes, Secretary of the Interior) (Pet. App. 28a-29a).

erly rejected, defendants' "shared jurisdiction" theory. (Pet. App. 21a-32a).

D. The Decision Below Does Not Conflict With Precedents of This Court.

The deference cases cited by petitioners concern deference to properly promulgated agency rules, adopted after notice and comment, or other formal agency interpretations. *See, e.g., Commodity Futures Trading Comm'n v. Schor*, 106 S.Ct. 3245, 3254 (1986). In each case this Court first found that the agency interpretations had a reasonable basis and concerned an issue entrusted to the agency by statute. The 1974 Interior Solicitor's memorandum, which is the sole agency interpretation upon which Interior relies, meets neither test and is not entitled to deference.

Contrary to ETSI's assertions, this Court does not "unqualifiedly" defer to agency interpretations of statutes. *See, e.g., Bowen v. American Hospital Association*, 106 S.Ct. 2101 (1986); *Board of Governors of the Federal Reserve System v. Dimension Financial Corp.*, 106 S.Ct. 681 (1986); *Montana v. Blackfeet Tribe of Indians*, 471 U.S. 759, 768, n.7 (1985); *United States v. Dion*, 106 S.Ct. 2216, 2222-2223 (1986).

The decision below does not present the question whether a court is free to substitute its own judgment in every case where an agency's jurisdiction or the scope of its statutory mandate is at issue. (*See* ETSI pet., p. 26, 29). Throughout its decision the Court of Appeals considered the actions and positions of the two agencies involved. There are many reasons why Interior's current

position is not entitled to deference. Review of the Court of Appeals decision would not resolve any significant question of administrative law.

6. This Case Does Not Present a Conflict Over State Water Rights.

The brief filed by South Dakota, North Dakota and Wyoming as *amici curiae* seriously mischaracterizes the decision of the Eighth Circuit. The *amici* state:

> The Eighth Circuit's ruling in *Missouri v. Andrews* placed the entire mainstem of the Missouri River under the exclusive control of the Army Corps of Engineers, deprived the Secretary of Interior of authority to devote any mainstem Missouri River water to reclamation purposes, and thus effectively denied the Upper Basin States of their right, power and authority to allocate waters wholly within their territorial boundaries.

Amici brief, p. 2. However, the Court of Appeals held only that the Secretary of the Interior lacked authority to market water for *industrial* use from reservoirs concededly under Army control; the Secretary of the Interior's authority to provide for *irrigation* use of Army reservoirs as provided in section 8 of the 1944 Act is not affected by the decision. Nor does the decision affect the mainstem of the Missouri River outside of Army reservoirs.

South Dakota, as *amicus curiae*, fully briefed its contentions below.[9] The Court of Appeals expressly rejected the argument that *Missouri v. Andrews* presented any

---

[9]North Dakota was also granted *amicus* status but did not file any briefs below.

issue concerning South Dakota's right to allocate water within its borders. (Pet. App. 14a, n.5). The Court also stated, ". . . our decision deals solely with the validity of the federal appellants' conduct." (Pet. App. 15a, n.7). The Solicitor General tacitly recognized this when he dropped the argument that South Dakota is an indispensable party. (Hodel pet., p. 11-12, n.12).

The proposal to consolidate certiorari review with an original action would convert this judicial review action into a dispute over abstract and obscure issues of state sovereignty. This is both inappropriate and untimely.[10] South Dakota's attempt to avoid proper appellate review mechanisms by filing an original action would only result in disruption and confusion.[11]

———o———

[10]South Dakota withdrew its motion to intervene on February 28, 1983, before the District Court reviewed the Magistrate's denial of intervention.

[11]South Dakota's proposed original action seeks to change the issues and the record in this case. South Dakota wants to tell this Court "the issues that ought to be before the Court and . . . how those issues ought to be resolved." (Renewed Motion for Leave to File Complaint, p. 6, *State of South Dakota v. State of Nebraska, et al.*, No. 103 Original, Supreme Court of the United States).

CONCLUSION

The States of Missouri, Iowa, and Nebraska respectfully pray that the petitions for a writ of certiorari be denied.

Respectfully submitted,

STATE OF MISSOURI

WILLIAM L. WEBSTER
Attorney General

CURTIS F. THOMPSON
Assistant Attorney General
P.O. Box 899
Jefferson City, Missouri 65102
Tel. (314) 751-3321

STATE OF IOWA

THOMAS J. MILLER
Attorney General

ELIZABETH M. OSENBAUGH
Deputy Attorney General
ELIZA OVROM
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319
Tel. (515) 281-5351

STATE OF NEBRASKA

ROBERT M. SPIRE
Attorney General

LE ROY W. SIEVERS
Assistant Attorney General
2115 State Capitol
Lincoln, Nebraska 68509
Tel. (402) 471-2682